

SECRET

Approved For Release 2005/05/16 : CIA-RDP83B00823R000800120016-0

JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Wednesday - 8 March 1972

E-X-T-R-A-C-T

25X1 "9. [] The Special Subcommittee on Intelligence of the House Armed Services Committee, chaired by Representative Nedzi (D., Mich.), began its hearings on H. R. 9853. The Bill would establish a national commission on the classification and protection of information vital to the national security. The first witness was Mr. Fred Buzhardt, General Counsel, Department of Defense. Mr. Buzhardt furnished a statement on the major changes in the Executive Order on classification and declassification issued on March 8, 1972, which superseded Executive Order 10501. (See Memorandum for the Record - 8 March 1972.)

Thursday - 9 March 1972

25X1 "2. [] [] called and said that
25X1A [] a former staffer, has been asked to testify before the
National Security and International Operations Subcommittee, Senate Govern-
ment Operations Committee on classification of information in open society.
25X1A [] would be available next Friday, 17 March, if the Agency
had any thoughts on the subject that we would like put forth. []
25X1 told him that he would relay the offer. [] OS, has been advised.

25X1 "8. [] The Special Subcommittee on Intelligence of the House Armed Services Committee, chaired by Representative Nedzi (D., Mich.), continued their hearings on H. R. 9853 concerning the classification and protection of information vital to the national security. Witnesses were Mr. Joseph Liebling, Deputy Assistant Secretary of Defense (Security Policy), and Mr. Fred Buzhardt, General Counsel, Department of Defense. Mr. Liebling provided a statement on those actions taken by the DOD to better their security program and to project future actions to meet the objectives of the new Executive Order on classification and declassification which was issued yesterday. The Subcommittee continued their detailed questioning of Mr. Buzhardt concerning Department of Defense security policy and other matters in his statement. Mr. William Blair, Assistant Secretary of State, is scheduled to testify

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tomorrow. Mr. Ralph E. Erickson, Assistant Attorney General, Department of Justice, is scheduled to testify on Monday, 13 March. He will undoubtedly be questioned in detail on the new Executive Order since the Department of Justice is responsible for interpreting the Order."

/s/
JOHN M. MAURY
Legislative Counsel

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CENTRAL INTELLIGENCE AGENCY
New Executive Order, "Classification
and Declassification of National Security
Information and Material."

GENERAL

1. Q. Is the new Executive Order on classification of information an improvement over Executive Order 10501?

A. I believe it is. It sets forth in greater detail those items which require protection for an extended period of time; for example, documents which, if compromised would reveal intelligence sources and methods. It also establishes criteria covering those items which can and should be declassified and thus made available to the public after relatively short periods of time.

2. Q. Does it meet your needs?

A. I believe it does.

3. Q. In your opinion does the Central Intelligence Agency overclassify its information?

A. Many of the documents produced by the CIA involve sensitive intelligence and/or intelligence sources and methods. These documents I do not believe we tend to overclassify. However, we may on occasion have overclassified documents of an administrative nature; such as, internal notices, or regulations. This matter is under intensive study at this time and we intend to promulgate directives to correct any overclassification.

4. Q. Please advise what action your department has taken to insure that the delegation of authority to classify information has been limited as severely as is consistent with the orderly and expeditious transaction of Government business.

A. Within this Agency the delegation of authority to classify information is controlled by an establishment known as the "Classification Control Network." This network, under the jurisdiction of the Assistant Director for Central Reference, consists of (1) the CIA Classification Control Officer; (2) Assistant Classification Control Officers; and, (3) Authorized Classifiers.

The CIA Classification Control Officer, Assistant Classification Control Officers, and Authorized Classifiers are the only persons authorized to apply an original classification to information or material. The reappointment of these officials will be governed by the provisions of the new Order.

5. Q. Describe in brief the procedures established for implementing declassification and downgrading as set forth in the Executive Order.

A. The order calls for Presidential directives on this matter. I, of course, will be guided by these directives.

6. Q. About how many documents do you declassify each year?

A. In some years the number is quite low. Upon occasion, however, significant projects are undertaken such as the current effort to declassify FBIS documents covering the years 1946 to 1966 entitled "Trends in Communist Propaganda" and other titles in this series.

7. Q. How many people in your agency have authority to classify Top Secret?

A. At this time about however, under the new Executive Order only about will be authorized to classify information Top Secret.

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8. Q. How many are authorized to declassify?

A. Approximately the same number who have authority to classify.

9. Q. About how many classified documents does the CIA produce each year?

A. Insofar as intelligence is concerned, about 675,000.

10. Q. Could you declassify all or almost all of your intelligence information after thirty years, twenty years, or ten years?

A. I believe we could declassify some of our intelligence information after thirty years. It should be recognized that many of our sources are productive for long periods of time. In addition, we need to protect those who have assisted us in our mission even after they are no longer productive. I think, therefore, that much of our information would require protection for an indefinite period of time.

Accountability and Destruction of Documents

1. Q. Describe the accountability procedures and records maintained pursuant to the Executive Order?

A. Accountability procedures followed by the Agency are:

(1) TOP SECRET:

(a) Top Secret document control procedures are administered by a CIA Top Secret Control Officer, a Central Top Secret Control Office, Area Top Secret Control Officers, Alternate Top Secret Control Officers serving major components, and Assistant Top Secret Control Officers serving subordinate organizational elements. The Central Top Secret Control Office and each Area Top Secret Control Officer is required to maintain accountability records of each Top Secret document received or originated by its respective control points, showing the date of receipt or dispatch and the office to which dispatched. A signed receipt is obtained for each document delivered to an individual in the office or dispatched outside his area of jurisdiction. Delivery of Top Secret documents is accomplished by Security cleared couriers, except where transmitted personally by Top Secret Control Officers.

(b) Each Top Secret document originated or received by CIA is assigned a CIA Top Secret control number, and each Top Secret document reproduced by CIA is assigned a copy number. A control and cover sheet is attached to each copy, on which are recorded all transfers of the document while in the custody of CIA and the signatures of all persons who see the document.

(2) SECRET AND CONFIDENTIAL:

(a) For transmission outside CIA, document receipts are required for Secret material and are optional for Confidential material; within the Agency, the use of document receipts is optional. In all instances, courier receipts are obtained by Agency couriers when packages containing classified material are delivered between CIA buildings or to another department or agency.

2. Q. What measures are taken to insure that the number of copies of classified documents are kept to a minimum?

A. The following procedures are followed by the Agency to keep classified documents to a minimum:

(1) TOP SECRET:

The number of copies of Top Secret documents produced by the Agency is predetermined on the basis of supported requirements furnished by operating offices of CIA and intelligence components of other Government agencies. Additional copies for supplemental dissemination are produced in minimum number based on previous experience with similar issues. Routing of a single copy to successive offices is utilized where feasible.

(2) SECRET AND CONFIDENTIAL

The number of copies of documents received from other agencies or originated by CIA is kept at the minimum necessary to meet Agency dissemination requirements, and copies in excess of dissemination needs are destroyed.

3. Q. Describe the means used, the procedures followed, and the frequency of destruction of classified material, including precautions followed to insure its complete incineration or destruction.

A. Nonrecord classified material which has been designated and prepared for destruction is stored temporarily in vaults or secure areas pending daily collection by a destruction team consisting of two or more Agency employees. The material is transported to our destruction facility, which in case of water soluble material is a SOMAT machine. Non-water soluble material is burned. Complete destruction is assured by inspection of the residue.

Physical Security

1. Q. Please describe the types of storage facilities used by your Agency for the storage of (a) Top Secret material, and (b) Secret and Confidential material.

A. Within this Agency the physical security standards for the storage of all classified material are as follows:

Where Agency-cleared U.S. citizen guards are available and access is controlled, all classified is stored in approved locked safekeeping equipment.

Where U.S. citizen guards are not available, all classified material is stored in approved locked safekeeping equipment located in either a vault or secure area.

^{and}
Vault and secure ~~are~~ specifications generally consist of reinforced concrete or steel-lined construction and an approved vault door.

Intrusion alarm systems are utilized in vault and secure areas wherever a guard response is available.

2. Q. Are the elaborate and expensive physical security containers and devices really necessary in your Agency?

A. I believe they are.

3. Q. Have foreign agents ever penetrated the physical security protective measures of your Agency to obtain classified information?

A. Not to my knowledge.

CONGRESSIONAL, JUDICIAL, AND PUBLIC RELATIONS

1. Q. Should the Congress have access to any and all classified information?

A. I believe that Congress should have access to classified information which would assist it in its performance of its legislative duties. This has been our policy all along.

2. Q. How do you clear the members of Congress before you furnish classified intelligence information to them?

A. We do not investigate or clear members of Congress before we furnish classified information to them. We do, however, with the agreement of the various committee chairmen, clear staff members of Congressional Committees or arrange for a Department of Defense clearance, which we honor.

3. Q. What is your policy on releasing classified information to members of the Congress?

A. Our policy is to release classified information to the Congress upon its request to assist it in the performance of its legislative duties. We have agreements with the various committees to whom we release classified information covering methods of protecting this information from unauthorized disclosure.

4. Q. Is the Freedom of Information Act causing you any problems?

A. We have had very few requests under this act. They have caused us no particular problem.

5. Q. Does the public have access to CIA Information?

A. They do under the Freedom of Information Act. Requests may be submitted to the Agency in accordance with the procedures set forth in our notice in the Federal Register.

6. Q. If the request is denied, what alternatives does the requestor have?

A. The aggrieved person may appeal to the Executive Director of the Agency for a review of the determination made. The Executive Director reserves the right to require the person to present additional information in support of his request for a review. Each request is handled promptly.

7. Q. How do you handle the disclosure of classified information to the judicial branch, the press, the inquiring public?

A. We do not disclose classified information to the press or the inquiring public. We handle requests for information from the press or public in accordance with the provisions of the Freedom of Information Act. Classified information is released to the Judiciary on a strict "need to know" basis. There are very few such releases.

OPINIONS

1. Q. Do you need legislation providing for sanctions in the event of the unauthorized release of information pertaining to intelligence sources and methods?

A. I personally would prefer that the so-called Espionage Acts be amended to make it a criminal offense for any unauthorized person, that is, a person without a proper clearance and a demonstrated need to know, to knowingly accept classified material.

2. Q. In your opinion how long should information pertaining to intelligence sources and methods remain classified?

A. This is difficult to answer as many of our sources and methods are active for long periods of time. Certainly, we would not declassify such information as long as our sources and methods are productive and/or need protection.

3. Q. Should a commission be established to study the problems of classification, downgrading, and declassification of information?

A. As you are aware, the new Executive Order establishes such a commission.

4. Q. Should the Congress have authority to declassify information produced by the executive branch?

A. Insofar as sensitive intelligence and intelligence sources and methods are concerned I do not believe Congress should declassify

information produced by the executive branch without permission of the President or the Head of the agency that produced the information.

5. Q. Do you plan to keep the public advised on intelligence estimates?

A. In most cases, declassification of such documents would not jeopardize sources and methods, since the sources of the facts and assessments are usually not stated or are obscured so that they are not apt to be disclosed by declassification of the document. The documents may occasionally refer to the original source of material contained therein, but such references could be edited out or generalized so that the original source remains protected. This would require of course careful review of any such material prior to declassification with this thought in mind.

6. Q. Can you declassify your portion of information involved in the history of recent historical events--the Korean War, the Lebanon Landings, the Bay of Pigs, or the Cuban Missile Crisis?

A. When we address the issue of declassifying the intelligence contribution to major policy decisions or historical events, we are talking about at least three separate types of documents.

(a) Finished Intelligence. This appears in the form of National Intelligence Estimates or special memoranda, drawn from all sources, recounting the facts and assessing a situation. In most cases, declassification of such documents would not jeopardize sources and methods, since the sources of the facts and assessments are usually not stated or are obscured so that they are not apt to be disclosed by declassification of the document. The documents may occasionally refer to the original source of material contained therein, but such references could be edited out or generalized so that the original source remains protected. This would require of course careful review of any such material prior to declassification with this thought in mind.

(b) Disseminated Intelligence. Some disseminated intelligence, such as technical or communications intelligence,

reflects its origins in very specific terms so that declassification would almost inevitably result in the disclosure of the source. In other cases, such as clandestinely acquired intelligence, generalized source descriptions are used in the disseminations, so that the exact identity of the source remains concealed. In all these categories, the passage of time may to some extent alleviate the damage caused by a disclosure of the source, e. g., the fact that we were reading Japanese codes during World War II is hardly a sensitive matter any more. On the other hand, with respect to some of these sources, the passage of time may not relieve the sensitivity of the matter, particularly on material provided to us by a friendly foreign intelligence service which expects us to keep their relationship with us a permanent secret. Thus in the category of disseminated intelligence, a considerably greater job of editing might be necessary to separate items which could be declassified from those which should not be.

(c) Intelligence Operational Traffic. There is a great deal of this material which in almost all cases should not and can not be declassified without a highly inappropriate disclosure of intelligence sources and methods. The material itself is frequently written with special code names which may be valuable in the future. Also the methodology revealed may show things about our service which could be of advantage to an unfriendly power. The true names of our agents and the precise techniques of our operations should in no event be disclosed even after many years.

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Approved For Release 2005/05/16 : CIA-RDP83B00823R000800120016-0

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